

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JORGE R. QUEZADA,

Plaintiff,

v.

CON-WAY FREIGHT, INC.,

Defendant.

No. C 09-03670 JSW

**ORDER REGARDING CLASS
COUNSEL**

Now before the Court is the motion to permit Westrup Klick, LLP to withdraw as co-co counsel for the class and to appoint Marlin & Saltzman, LLP as co-class counsel. The briefing on this motion is now complete. The Court has reviewed and considered the motion, and it finds it suitable for disposition without oral argument. *See* N.D. Civ. L.R. 7-1(b).

Notably, defendant Con-Way Freight, Inc. (“Con-Way”) does not contest that Marlin & Saltzman, LLP. has the legal experience and legal expertise to serve as class counsel. Instead, Con-Way asserts that Westrup Klick has not provided a sufficient explanation for its need to withdraw, that Marlin & Saltzman, LLP. has not sufficiently established that it is committed to proceed with the trial schedule and other deadlines in this action, and that additional fees may be incurred as a result of this proposed change in counsel.

Upon review of the supporting papers, the Court finds that Westrup Klick has provided good cause for its requested withdrawal and that Marlin & Saltzman, LLP has sufficiently demonstrated that it will fairly and adequately represent the interests of the class. Moreover, the Court notes that Marlin & Saltzman, LLP has represented that it will not need or request any

1 delays due to the substitution of counsel. Finally, to the extent there is duplication of work and
2 additional fees are incurred due to the substitution of counsel, that is an issue that the Court may
3 address upon a request for attorneys' fees. Accordingly, Court GRANTS the motion to permit
4 Westrup Klick, LLP to withdraw as co-co counsel for the class and to appoint Marlin &
5 Saltzman, LLP as co-class counsel.

6 **IT IS SO ORDERED.**

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8 Dated: November 15, 2013


9 JEFFREY S. WHITE
10 UNITED STATES DISTRICT JUDGE
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